

In the Matter of Merchant Mariner's Document No. Z-459826  
Issued to: ALVISO, ROBERT J.

DECISION AND FINAL ORDER OF THE COMMANDANT  
UNITED STATES COAST GUARD

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ALVISO, ROBERT J.

This appeal has been taken in accordance with Title 46 United States Code 239(g) and Title 46 Code of Federal Regulations Sec. 137.11-1.

On 23 March, 1953, an Examiner of the United States Coast Guard at San Francisco, California, revoked Merchant Mariner's Document No. Z-458926 issued to Robert John Alviso upon finding him guilty of misconduct based upon one specification alleging in substance that while serving as bedroom steward on board the American SS PRESIDENT MONROE under authority of the document above described, on or about 19 August, 1952, while said vessel was in the port of San Francisco, he wrongfully had in his possession a quantity of narcotics, to wit: marijuana.

At the hearing, Appellant was given a full explanation of the nature of the proceedings, the rights to which he was entitled and the possible results of the hearing. Although advised of his right to be represented by an attorney of his own selection, Appellant voluntarily elected to waive that right and act as his own counsel. He entered a plea of "guilty" to the charge and specification proffered against him.

Thereupon, the Investigating Officer made a statement which explained the circumstances of Appellant's apprehension with a marijuana cigarette on his person. In defense, Appellant made an unsworn statement that he had purchased the cigarette in "China Town," while under the influence of liquor.

At the conclusion of the hearing, having heard the argument of the Investigating Officer which Appellant declined to answer, and given both parties an opportunity to submit proposed findings and conclusions, the Examiner announced his findings and concluded that the charge had been proved by plea. He then entered the order revoking Appellant's Merchant Mariner's Document No. Z-458926.

From that order, this appeal has been taken, and it is urged the decision of the Examiner is too harsh since this is Appellant's first offense of any kind for which the Coast Guard would take action; he is not addicted to narcotics in any form; the Merchant Marine is his livelihood; and he would like to be given another chance to go to sea.

Based upon my examination of the record submitted, I hereby make the following

FINDINGS OF FACT

On 19 August, 1952, Appellant was serving as bedroom steward on board the American SS PRESIDENT MONROE and acting under authority of his Merchant Mariner's Document No. Z-458926.

While returning from shore to the vessel, he was apprehended, and upon search, one marijuana cigarette was found on his person.

OPINION

No good reason appears for prolonging this opinion; so I adopt, as my own, paragraphs one and three of the Examiner's opinion in the decision under review.

CONCLUSION

I find nothing presented on this appeal which warrants my interference with the Examiner's Order, dated at San Francisco, California, on 23 March, 1953; and said Order is     AFFIRMED.

Merlin O'Neill  
Vice Admiral, United States Coast Guard  
Commandant

Dated at Washington, D. C., this 15th day of May, 1953.